

EXHIBIT

4

DATE

3/9/11

HB

599

Brockie Family

From: "Steven Patterson" <stevenp@paceinc.net>
To: "Brockie Family" <friskydog@bresnan.net>
Sent: Wednesday, March 09, 2011 8:04 AM
Subject: RE: From Mike & Susan Brockie
Hey Mom/Dad

I have sent in my request to the House Transportation Committee;

"I have worked in construction most of my life. The attitude towards the equipment is to stick it where you can. Little thought is given to the impact that it may present to someone who may hit it. Until contractors are forced to act they will not and more senseless lives will be lost. I have bid and won contracts that even say I have to have the presidents name on a work sign and how big the letters must be and how visible but yet something that could have saved over a hundred lives is missing. Our highways are dangerous enough as it is, especially in construction areas. Now when you add in unnecessary equipment as obstacles you put us all in harm's way. We have laws in place to protect workers from the motorists and now it is time to protect the motorists from contractors who don't wish to spend the little extra time it would take to make their site safe. No one can control when they may need this safety space on the highway, it is not something that you will have the option of going around when you need it.
PLEASE VOTE FOR THIS BILL to protect everyone including your family."

If there is anything else I can do please let me know.

Thanks

3/9/2011

HB599, 3/9/11

Dear Legislator,

109. 109 could be the miles you drove here. Could be the hours you've wasted in committee meetings. Could be the number of years you hope to live. Let me tell you exactly what 109 is: it's an additional one hundred and nine Montana lives needlessly snuffed out since my brother Aric died. It's 109 souls of fellow Montanans who expected a normal drive on our roadways, like you do every day, only to meet their untimely demise at the hands of chance and disregard.

That's really what this bill is about – disregard. 109 Montanans may still be our neighbors, friends, sons and daughters if someone hadn't disregarded the law. You know I'm not speaking of the vehicle drivers. I'm speaking of those that do roadwork within our state but decide on their own when contracts are worth following or not. Because they can't be bothered to clean up their sites appropriately, your neighbor dies. Because it's a bit more work to ensure all equipment is accounted for, your child dies. Because there's no penalty for not doing the job right, you die. For too long, state contracts regarding roadwork responsibilities have been without consequence. Given the option, man chooses the easy way out. Simply don't give them the option any more.

This cause is just. It is so just that, long after your tenure on this committee or in this legislative body, my family will persist. And if you do nothing now, perhaps it may be your family up here alongside us advocating for safety. How many Montana lives will be needlessly lost before a group of lawmakers has enough wisdom to add consequence to a law? 112? 152? 110? What's a good, round number for you?

An aggrieved Montanan and brother,

- Darren Brockie

HB599, 3/9/11

The dead cannot speak for themselves, so I am speaking for them. My brother was one of them. You might feel sympathy for me, but your words are not genuine unless they are followed by action.

The construction contractors are literally getting away with murder. They have told you it would bankrupt them to follow the law already written, but you are the ones who have believed them. Now you have a chance to vote "for" change.

Your previous legislators were not courageous enough to vote for change, and since my brother Aric died, over 100 more people have died in construction zone accidents. You are responsible to protect the lives of the people traveling Montana highways, whether they are Montana citizens or citizens of another place.

To do your job, you must vote "for" HB599. I am not writing to make you feel comfortable. I am writing to make you feel convicted. Guilty enough to realize that you have the power and the responsibility to protect innocent people.

I am writing to remind you that that is your job, and I ask you to do it.

Jennifer Brockie Cooke

HB599, 3/9/11

On Wednesday, March 9, 2011, the House Transportation Committee will vote on HB599, a bill that specifies how and where construction equipment in construction zones on Montana highways should be stored in order to prevent harm and death to the traveling public.

In 1989, my brother Aric died when his vehicle slid on icy roads and hit construction equipment just off Highway 94. Since then, there have been 109 deaths in Montana construction zones, deaths that may have been preventable if a law similar to this bill had been in place. Please vote yes on HB599 in order to protect the safety of the public.

Huntley (and wife, Becky) Brockie

HB599, 3/9/11

There is one thing that all surviving parents of their children have in common: it is the raging silence of not hearing your child's name spoken any longer. They are gone. Not talked about by even close friends.

I want to tell you how awesome our son Aric was, how he loved people, the fact that he got engaged to a most delightful young lady - the night before he was killed, and that he was such a caring person he had already decided to become a doctor so he could help people. I want to describe him so you can get a sense of the warmth in his eyes and his smile. I want you to know that Aric's loss is a loss for all of us.

Of course I can't succeed. He isn't here. Instead, there's an ache inside that has anger attached to it today. This pain is horrific. It doesn't ever stop. There is a void where there once was a person with arms that hugged and a voice that laughed. The tears are not frequent now, but nothing, nothing can fill the hole Aric's missing presence left behind.

Why the anger? Simple: Aric's death was needless. It could have been prevented. Our pain doesn't have to be shared. But to have that happen, this Committee has to take a stand and become pro-active. You have to want, deeply, to prevent this anguish for your fellow man. You have to want to fight for what is right when others will want to slough off this bill as a nuisance.

Aric died because a highway construction contractor willingly chose to ignore the rules of the contract he had with the State of Montana when he signed on to do his work. Those rules of establishing a clear zone - a safety net for the traveling public - were put in place by the Legislature of 1955. They are a mandatory part of every contract written for highway work done in Montana. Yet they are ignored and considered irrelevant.

Aric was returning home from Miles City on Sunday of Thanksgiving weekend in 1989, in a car driven by a college friend. They encountered rain, and did not realize the temperature had dropped dramatically. They crossed a bridge 30 miles from Billings that was frozen, and started to slide into the median. Aric wore his seat belt. The grassy median was wet and slick. The car moved sideways. It might have rolled, had it not been for a 1,000# generator operated reader sign board that had been left in the middle of the median by a work crew that cleared the area of their equipment on Wed., deciding as they did so that the reader board was too slow and heavy. After parking it in the middle of the clear zone, they trailed everything else down one mile to an exit and parked it all in a bar's parking lot.

The car was no match as it slammed into the 1,000# of stationery metal. The driver walked. Aric died at the site, nearly 50 min. later.

Why did it happen? Because there is no "or else" in the rules and regs that so aptly define the clear zone and its purpose. Without punitive measures, there is no incentive to follow the better - safer - procedures. And so, another 109 families have lost a loved one since Aric was killed, perhaps just as needlessly. Guaranteed, with much deep sorrow.

What does it take to change this scene? You. You have to be hungry enough to prevent your own son, daughter, spouse – beloved – from experiencing death on our highways. Where others may say, “but, but, but” you are the ones who can say, “then let’s find a good answer to go along with yes, yes, yes!”

Who will enforce a fine? Who should be doing that already? Certainly the inspectors that are obligated to make certain all construction work meets all the standards in contracts.

Who can be a back-up pair of eyes when the inspector isn’t there? Of course! Our highway patrol officers! And why should they? Because this is a safety issue. The rules say NO! in order to protect the traveling public and give them space if needed for errant vehicles. Just like speed signs say NO! for the same basic safety reasons. If the State Legislature can dictate that we all must wear seat belts or be fined if we don’t, then the State Legislature can add teeth to enforce laws that are already on our books for other safety purposes.

Someone will surely say “It will cost too much!” Really? What price do you want to put on your loved one? Are you willing to sacrifice your son or daughter just to feel good that you didn’t add a “cost” to the State budget? Besides, this thought is as full of holes as a sieve: the fines, IF ENFORCED, will pay for any increased costs of administration.

And be wary that someone will say, “but that equipment has to be there!” Ask back your own question: “why, when it isn’t being used?” There is nothing wrong w/ the way equipment is marked for safety now, in active construction areas. This bill is addressing the clear zones, not the work zones. And we ARE addressing it with the expectation that there isn’t a muddled line of “but, but, but we needed it in a week or so.” Lazy, sloppy “quasi” obeying the intent later, without concern for enforcement, will only negate your own efforts and purpose now.

You have to be the people with a backbone, to make your vision of protecting our traveling public something of value. Jersey barriers were the result of one family’s loss of life when a car crossed over into the oncoming traffic on the New Jersey Turnpike over 50 yrs ago. Someone fought, and someone got creative. Both camps won, and all of us are safer. This bill deserves your efforts. Bring our death toll down. Don’t allow your family to be the next victim.

Even the MT DOT agrees that traffic deaths are horrific. In July of 2004 Dave Galt established a State web site as a “way for families to cope with loss” as he observed: “I wanted to offer a service to the families of folks who passed away on our highways. Deaths are a somber moment where you realize how fragile life is. It only takes a second and you can cash your chips in.” (Billings Gazette on line, 7/20/04).

We’ve been here before, presenting the same issue. It is long past time for this Committee to come to terms w/ the nay-sayers and instead, stand up and be counted. Aric died. Who will be next? Don’t wimp out and let this bill be watered down just to pacify. A fine is a fine. The bigger the loss, the bigger the fine. What is life worth, to prevent some of those losses?

Susan Brockie